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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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Power Optech, LLC, :  
 :  
Plaintiff, :  
 : CIVIL ACTION NO.:  
v. : 07-CV-02409-JAG-MCA  
 :  
Andron Construction Corporation : AFFIDAVIT  
and Riverdale Country School, :  
 :  
Defendants. :  
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STATE OF NEW YORK )  
 : ss:  
COUNTY OF THE BRONX )

KATHLEEN SCHOONMAKER, being duly sworn, deposes and says:

1. I am Director of Finance and Operations at Defendant Riverdale Country School (Riverdale). I make this affidavit in support of Defendants' motion for a change of venue. I am fully familiar with the facts set forth herein.

2. Riverdale is an independent school, registered as a not-for-profit education organization with the New York State Education Department. Riverdale's campus is located at 5250 Fieldston Road, Bronx, New York. The construction project which is the subject of this action took place entirely at that location.

3. Riverdale does not maintain an office or any other physical location in the State of New Jersey. Riverdale is not registered with the New Jersey Department of Education or any other State agency in New Jersey.

4. Riverdale has 1055 students, pre-kindergarten through 12<sup>th</sup> grade. Twenty-five of those students (2.4% of the student body) are New Jersey residents.

5. Riverdale does not advertise for, recruit or otherwise solicit students in New Jersey, or carry on any activity in New Jersey, except as described in Paragraph 6 below.

6. Riverdale representatives attend one event in New Jersey per year. That event is an open-house hosted by the family of a current Riverdale student who resides in New Jersey. The family invites friends and others who might be interested to become Riverdale students. 40 or 50 prospective students and their parents might attend, depending on the year. The Riverdale admissions director and two division heads attend the event and give short talks. The event lasts about three hours. The event is Riverdale's only activity within New Jersey.

7. Architect Michael Satow, Owner's Representative Thomas McGinty and I are the prospective witnesses for Riverdale in this matter. Mr. Satow and I live and work in New York. Mr. McGinty lives in New York, but maintains an office in New Jersey.

In addition to the project site, Riverdale's extensive records are located at its Bronx campus.

8. Riverdale has had no relationship with the Plaintiff and did not solicit or engage Plaintiff to work on the project.

WHEREFORE, it is respectfully requested that this application be granted in all respects and that Defendants be granted such other and further relief as the Court deems just.

  
KATHLEEN SCHOONMAKER

Sworn to before me  
this 5<sup>th</sup> day of July, 2007

  
Notary Public

MARGARET BAXTER  
Notary Public, State of New York  
No. 01BA4845847  
Qualified in Bronx County  
Commission Expires Jan. 31, 2010